

REMARKS

In view of the following remarks responsive to the final Office Action dated October 10, 2007, Applicant respectfully requests favorable reconsideration of this application.

On page 2 of the Office Action, the Office rejected claim 1 as anticipated by Yasuda. On page 3 of the Office Action, the Office further rejected claims 1-3, 5, 6, and 15-19 as obvious over Yasuda in view of Kim. Applicant has herein amended independent claims 1 and 15 to further define the invention as novel and non-obvious over the prior art.

The present invention relates to a method and apparatus for selectively routing the audio between the headset or the handset of a mobile transceiver, such as a cellular phone, in a manner that is easy, convenient, and intuitive for the user of the transceiver. There are two user operable switches, one on the headset and one on the handset used for answering a call, or taking the phone "off the hook". Based upon which single switch a user activates to answer the call, a controller automatically routes the audio associated with the call to either the headset or the handset. Operating a single switch to both activate a call and route the audio to either the headset or the handset defines the present invention as novel and non-obvious over the prior art of record.

Yasuda teaches a wireless telephone apparatus including both a telephone handset as well as a headset. To answer or initiate a call, a user activates hook switch 44 to establish an active connection to a phone line. There is a hands-free switch 41 in Yasuda separate from the hook switch 44 that dictates whether the call is routed to the handset 32 or the headset 33. Therefore, and in contrast to the claimed invention, Yasuda includes multiple user operated switches that must be operated by a user "such that the operation thereof has the effect both of initiating and/or accepting a call, and of routing audio signals to said audio path corresponding to said handset" (claim 1, lines 10-12).

In response to the previously submitted arguments, the Examiner states:

In this instant case, as disclosed by Yasuda, during the standby state, the routing of the call to the handset is directly initiated by the SEND key (equivalently to "regardless of the condition of any other

switch") (See fig. 3 and col. 6, lines 1-42) while the routing of the call to the headset is responsive to the hands-free switch 41, wherein the hands-free switch is capable of switching the routing of the call from the established audio path corresponding to the handset to the audio path corresponding to the headset. (page 6 of the Office Action)

Applicants respectfully disagree with this interpretation of Yasuda as provided by the Examiner. Applicant has amended the independent claims to clarify that the switches recited in the claim refer to user operable switches. As described above, the operation of switch 41 (as asserted by the Examiner) is not the only user operable switch required in order for a user to both activate a call and route the audio to either a handset or a headset. Specifically, a user is required to operate hook switch 44 as well. Hook switch 44 that takes the phone off hook to make a call or to accept an incoming call. Another switch, namely, hands-free switch 41 on the telephone "enables control section 45 to connect headset 33 with receiving line 39 and transmitting line 40, instead of handset 32, via switches 34, 35, 36, 37 and side tone circuit 38". Column 4, lines 55-58. Thus, two user operable switches are required in Yasuda for the initiating and/or accepting of a call and the routing of audio.

The present invention specifically claims a single user operable switch capable of routing the audio "regardless of the condition of *any other user operable switch*" (claim 1, line 13, emphasis added) in the mobile station. Yasuda clearly does not teach this feature. The initiating and/or accepting of a call as well as the routing of audio in Yasuda (as shown in Figure 3) is determined not only by hands-free switch 41 as asserted by the Examiner, but also by hook switch 44. Without such a teaching of "initiating and/or accepting a call, and of routing audio signals to said audio path corresponding to said handset" by a single user operable switch as claimed, Yasuda cannot anticipate the present invention or establish a basis for an obviousness rejection.

As discussed in response to the previous Office Actions, the secondary reference, Kim, also does not teach the above-discussed feature lacking from Yasuda. Accordingly, claim 1 patentably distinguishes over the prior art of record.

Claims 2-6 depend from claim 1 and, therefore, distinguish over the prior art

of record for at least the same reasons.

Claim 15 is an independent method claim that recites a similar distinction over the prior art. Particularly, the prior art of record does not teach "responsive to operation of the single first switch, initiating or accepting a call and routing the call on the first audio path regardless of whether said headset is connected to said handset and regardless of the condition of any other switch of said mobile station". Accordingly, claim 15 patentably distinguishes over the prior art of record for the same reasons discussed above with respect to claim 1.

Claims 16-24 depend from claim 15 and, therefore, distinguish over the prior art of record for at least all of the same reasons discussed above in connection with claim 15. The secondary references, Kim and Bowen, do not remedy the aforementioned shortcomings of the primary reference.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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